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OFFICE OF PETITIONS

In re Application of
Holland et al.
Application No. 10/783,642
Filed: February 20, 2004
Title: Medication Management System

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 14, 2005.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts mailed on May 14, 2004. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 15, 2004. A Notice of Abandonment was mailed on February 10, 2005.

Petitioner contends the Office Communication mailed on May 14, 2004 was not received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office Communication may have been lost after receipt rather than a conclusion that the Office Communication was lost in the mail.

Petitioner may wish to seek revival under 37 CFR 1.137.

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